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SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER, FL 33760

EXAMINER

BRODA, SAMUEL

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,868

Applicant(s)

TSUJI ET AL.

Examiner

Samuel Broda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-7 have been examined.

Priority

2.1 Acknowledgment is made of Applicants' claim for foreign priority based on applications 11-185161 and 2000-181944 filed in Japan on 30 June 1999 and 16 June 2000. It is noted, however, that Applicants have not filed a certified copy of these applications as required by 35 U.S.C. 119(b).

2.2 The bibliographic datasheet included in this file indicates a claim for the benefit of priority to U.S. Provisional Application No. 60/142,313 (the "Provisional Application") filed 2 July 1999; however, such a claim does not appear anywhere in the application papers.

Additionally, the Provisional Application lists a different inventive entity and does not appear to contain the same subject matter.

Therefore, priority based on the Provisional Application is denied, because it fails to satisfy the requirements of 35 U.S.C. Section 112, first paragraph. See 35 U.S.C. 119(e)(1).

Applicants are requested to indicate whether priority to this Provisional Application is desired, or if this priority claim is a typographical error.

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Drawings

3. The Draftsperson has objected to the drawings; see the copy of Form PTO-948 for an explanation.

Claim Objections

4. The following is a quotation of 37 CFR § 1.75:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

...

(b)(3) The claim or claims must commence on a separate sheet (§ 1.72(h)).

...

(c) . . . Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. . . .

...

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

...

(i) Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

4.1 Claims 1-7 are objected to under 37 CFR § 1.75(i) because each element of each claim is not separated by a line indentation. For example, the text appearing as part of the limitation directed to "at least one client computer" appears to contain separate limitations regarding the "server computer" and the "client computer." Correction is required. A suggested format for claim 1 is shown below in the rejection of claim 1 in Section 6.2.

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4.2 Claims 6-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.1 Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

5.2 Regarding claim 1, this claim includes the term “a CAD graphic data producing section for preparing display data **capable of being displayed** on a graphic display unit in said client computer.” (Emphasis added.) The phrase “capable of being displayed” make the scope of the claim indefinite as it is unclear if the functions recited after this phrase represents an intended use or an additional limitation.

For the purpose of further claim examination, claim 1 was considered with the phrase “capable of being displayed” replaced by the phrase “for display.”

5.3 Claims 2-5 are dependent on claim 1 and therefore also rejected.

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Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

...

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.1 Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kiriara et al, U.S. Patent 5,339,247 issued 16 August 1994.

6.2 Regarding claim 1, Kiriara et al teaches a CAD system utilizing a network comprising:

a server computer connected to a network [server WS 1, Fig. 3]; and

at least one client computer performing data transmission to said server computer via said network, wherein base data of graphic data for CAD is transmitted from said server computer to said client computer according to a request from said client computer [client WS 2, Fig. 3], said server computer comprising:

storage means for storing base data of said graphic data [parts intrinsic information table 33 stored in memory 1a, Fig. 3]; and

a program data transmitting section for reading the base data of said graphic data from said storage means according to the request from said client computer and transmit the data to said client computer [LAN 6, Fig. 3], said client computer comprising:

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a program data receiving section for receiving base data of said graphic data [parts shape management table 36 stored in memory 2a, Fig. 3];

a computing section for producing graphic data based on the base data of said graphic data [computing section inherent in production of drawings 21 and 22, Fig. 3]; and

a CAD graphic data producing section for preparing display data capable of being displayed on a graphic display unit in said client computer [graphic data producing section inherent in production of drawings 21 and 22, Fig. 3].

Therefore, Kiriara et al anticipates claim 1.

Claim Rejections - 35 U.S.C. § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7.1 Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiriara et al, in view of Barequet et al, "GEOMNET: Geometric Computing over the Internet," IEEE Internet Computing, Vol. 3 No. 2, pp. 21-29 (March-April 1999).

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7.2 Regarding claim 2, Kiriwara et al does not appear to teach the transmission of variable programs from the server to the client, the variable programs for drawing different graphics.

However, Barequet et al teaches use of the "GeomNet" system a client-server architecture "to provide easy Internet access to geometric implementations via a plug-and-play environment." Page 21 paragraph 6.

Specifically, the GeomNet system includes Java wrappers directed to embedded applications,

. . . such as a CAD system or a geometric database. The application expects the data to be preloaded into the environment that the application works in. The environment supplies methods for accessing and modifying the geometric data, so that the application usually needn't be aware of the nature of the actual data structures that store these data. The output is the contents of the environment upon termination of the application.

Barequet et al, page 24 column 2 paragraph 5. These embedded applications include variable programs for drawing different graphics.

Along with the benefits afforded via a "plug-and-play environment," Barequet et al also cites the following benefits:

By providing a progressive migration of software from the host to the client, GeomNet attempts to simplify interfacing, one of the most significant problems in software engineering and in using software developed elsewhere. Users can invoke online, separately or in a pipeline, a rich collection of geometric

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computations for performing one-time or repeated tasks. The system is suitable for a wide variety of tasks, such as invoking an algorithm with specific input data, checking geometric structures or data for consistency, experimentally studying and/or comparing algorithms, designing new algorithms through the integration of existing algorithms, or demonstrating the course of an algorithm in an educational setting.

7.3 Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the CAD network system of Kirihara et al with the GeomNet system of transmission of embedded applications, because the combination would permit the CAD clients to manipulate geometric objects via a plug-and-play environment online.

7.4 Regarding claim 3, the GeomNet system includes the display of graphic names. See Fig. 5 and corresponding text.

7.5 Regarding claims 4 and 5, Kirihara et al teaches the use of parts code numbers as keys to be used in conjunction with a distributed parts shape file 201 and a distributed parts construction file 301 to be used in the production of graphic data.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure. Reference to Burrows et al, U.S. Patent 6,397,117 issued 28 May 2002 and filed 28 May 1998, is cited as teaching a distributed computer aided design system.

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Reference to Shimizu et al, U.S. Patent 6,289,254 issued 11 September 2001 and filed 21 January 1998, is cited as teaching parts selection system with CAD functions.

Reference to Indrusiak et al, "A Case Study for a WWW Based CAD Framework," IEEE Proceedings of the Brazilian Symposium on Integrated Circuit Design, pp. 116-119 (September 1998), is cited as teaching a WWW-based design automation framework.


Reference to Caldwell et al, "WebCADET: Facilitating Distributed Design Support", IEE Colloquium on Web-Based Knowledge Servers, pp. 9/1-9/4 (June 1998), is cited as teaching using a CGI protocol to formulate design attributes.

Reference to Pahng et al, "A Web-Based Collaborative Design Modeling Environment," Seventh IEEE International Workshops on Enabling Technologies: Infrastructure for Collaborative Enterprises, pp. 161-167 (June 1998), is cited as teaching the "DOME" framework for encapsulating design models into modules for exchange on the web.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (703) 305-1026. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.


SAMUEL BRODA, ESQ.
PRIMARY EXAMINER